REMARKS/ARGUMENTS

Claims 1-11 remain in this application. Claim 1 has been amended.

The current amendment is provided in response to the Final Rejection in the parent to this application. Therein, the Examiner rejected the claims using the Sakamoto Japanese reference 03-140452. However, as now claimed herein, it is clear that the current device is produced by electropolishing the surface of the device as compared to the basic oxidation treatment of crystalline oxide used by Sakamoto. As is well described in the application, the electropolishing treatment described herein minimizes the formation of a nickel-rich phase that would normally be formed during basic oxidation treatment. Of course, the presence of this underlying nickel-rich phase will affect the use and biocompatibility of the material of the device when used in the body. Naturally, it is desired to produce a device which will have high biocompatibility, as will be produced by the current method. Accordingly, it is respectfully submitted that claims 1 through 11 are now patentable over the Sakamoto reference.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By:_____
Paul A. Coletti
Reg. No. 34,140

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2815
Dated: February 24, 2003

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A method for forming a medical device providing a medical device which includes a component formed from an alloy which contains at least about 40% Ni by weight[,];

electropolishing surface of the device [having a] wherein the electropolishing step produces an oxide layer on the surface of the stent of up to10 nm [deep] depth wherein said surface region [of] contain[ing]s not more than about 5% Ni by weight.

Please cancel claims 12-19.